Comments

The enclosed is responsive to the Examiner's Office Action mailed on January 20, 2004. At the time the Examiner mailed the Office Action claims 1-5,7,9-14,16 and 18-69 are pending. By way of the present response the Applicant has: 1) amended claims 14, 16, 18, 23, 28, 33, 38, 44, 50, 55, 60, 65; and, 2) has not canceled or added any claims. As such claims 1-5,7,9-14,16 and 18-69 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-5,7,9-14,16 and 18-69.

Independent Claims 1, 9, and 10

Independent claims 1, 9 and 10 stand rejected under 35 USC 103 as being obvious in light of the combination of the Applicant's own admitted prior art and U.S. Patent No. 6,393,582 (hereinafter "Klecka"). According to the Examiner:

> Klecka discloses . . . determining whether a threshold has been reached if [an] error is determined to be ignorable, the threshold corresponding to a number of hitless rebuilds that have occurred within an amount of time ([Klecka,] column 2, lines 12-20; column 4, lines 18-39). Examiner's Office Action mailed 1/20/04, pg. 2

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The Applicant respectfully submits that Klecka fails to teach the subject matter that the Examiner purports it to disclose and that, as a consequence,

the Examiner's combination fails to render independent claims 1, 9 and 10 unpatentable.

In particular, the Applicant respectfully submits that Col. 2, lines 12-20 and Col. 4, lines 18-39 of Klecka fail at least fails to disclose "[a] threshold corresponding to a number of hitless rebuilds that have occurred within an amount of time". Col. 2, lines 12-20 and Col. 4, lines 18-39 of Klecka simply fail to mention anything that could be reasonably construed as teaching that the number of hitless rebuilds that have occurred within an amount of time correspond to a threshold. Rather, the discussion of Col. 2, lines 12-20 of Klecka merely discuss a reset and reinitialization process. No mention is made, for example, that the number of reset and reinitialization processes to be executed over an amount of time are counted so that the number of reset and reinitialization processes can be determined. Likewise, there is no mention a number of reset and reinitialization processes correspond to a threshold.

As such, the Applicant respectfully submits that each of independent claims 1, 9 and 10 are patentable and the rejection applied to each should be removed. Likewise, because independent claims 1, 9 ad 10 are patentable, the Applicant respectfully submits that their corresponding dependent claims are likewise patentable.

Independent Claims 18, 23, 28, 33, 50, 55, 60, 65

Independent claims 18, 23, 28, 33, 50, 55, 60, 65 stand rejected under 35 USC 103 as being obvious in light of the Applicant's admitted prior art and U.S. Patent No. 5,313,625 (hereinafter, "Hess"). See, Examiner's Office Action mailed 1/20/04, pg. 4. It is noteworthy that Hess teaches a "protected memory region" that is protected by a "shielded enclosure, including a lead housing". See, Hess, Col. 5, lines 6-12. That is, Hess only teaches an approach where the protected memory region is defined by error preventive packaging that surrounds the protected memory region but does not surround any unprotected memory region. As such, according to the teachings of Hess, an error is not supposed to arise within the protected memory region; but, an error may arise in non protected memory regions (such as scratchpad RAM 1, 1' in Figure 2 of Hess).

By contrast, the teachings of the Applicant's specification do not describe the protected memory region through its ability to prevent errors; but rather, describes the protected memory region in terms of the information that survives a re-initialization process. See, e.g., Applicant's specification, page 10, line 22 through page 12, line 6. As such, in its discussion of the protected memory region, the Applicant's specification does not emphasize the prevention of errors but rather the ability to survive them. Each of independent claims 18, 23, 28, 33, 50, 55, 60, 65 have been amended to reflect this distinction.

In particular, independent claims 18, 23 and 60 have been amended to include the following claim element:

operating a card having memory space partitioned at least into a protected memory region and a non protected memory region, said operating not:

discouraging the occurrence of an error within said protected memory region any more than the occurrence of an error within said non protected memory region is discouraged

independent claims 28, 33, 50, 55 and 65 have been amended to include the following claim element:

[a] card not comprising:

error preventive packaging that surrounds [a] protected memory region but not [a] non protected memory region.

The Applicant respectfully submits that Hess fails to disclose the above recited claim elements, therefore, each of independent claims 18, 23, 28, 33, 50, 55, 60 and 65 and their respective dependent claim elements are allowable over the Hess reference.

Independent Claims 38, 44

Independent claims 38 and 44 also stand rejected under 35 USC 103 as being obvious in light of the Applicant's admitted prior art and the Hess reference. See, Examiner's Office Action mailed 1/20/04, pg. 4. In furtherance to the discussion provided above with respect to independent claims 18, 23, 28, 33, 50, 55, 60 and 65, the Applicant's specification further describes that protection of the protected memory region may be achieved through the inability to invoke the memory addresses of the protected memory region. See, e.g., Applicant's specification, page 11, lines 4 – 6. By contrast, as far as the Applicant can tell, Hess provides no such teaching. In particular, Hess indicates that information within the protected memory region of Hess survives a re-initialization process. See, Hess Col. 6, lines 28 – 33. However, Hess does not state or suggest that the survival is

achieved through the inability to invoke the protected memory region's addressing space. As such, each of independent claims 38 and 44 have been amended to respectively recite:

> said re-initializing not deleting said routing table information from said memory because said instructions are written to be unable to invoke memory addresses for a segment of said memory where said routing table information resides so as to make said segment of said memory inaccessible during said re-initializing

> said re-initializing not deleting said state table information from said memory because said instructions are written to be unable to invoke memory addresses for a segment of said memory where said routing table information resides so as to make said segment of said memory inaccessible during said re-initializing

In light of these amendments the Applicant respectively submits that each of independent claims 38 and 44 and their respective dependent claims are likewise allowable.

In light of all of the comments above the Applicant respectively submits that all claims are allowable.

Comments

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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